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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,711	09/29/2003	Robert Kuimelis	3632	4588
22886	7590	08/25/2006	EXAMINER	
AFFYMETRIX, INC			KATAKAM, SUDHAKAR	
ATTN: CHIEF IP COUNSEL, LEGAL DEPT.			ART UNIT	PAPER NUMBER
3420 CENTRAL EXPRESSWAY				
SANTA CLARA, CA 95051			1621	

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/674,711	KUIMELIS ET AL.	
	Examiner Sudhakar Katakam	Art Unit 1621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-48 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 1-48 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date, _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9 and 19 (to the extent it reads on the claim 1), drawn to a cyclic silane compound, which has a single Si atom. The specified groups in this compound, viz., X, Y and Z represent O atom, R₁, R₂ and R₄ represent ethyl and R₃ represent propyl moiety respectively.
 - II. Claims 10-18 and 19 (to the extent it reads on the claim 1), drawn to a cyclic silane compound attached to a linear silane compound. This compound has two Si atoms. The specified groups in this compound, viz., T, R, U, X, Y and Z represent O atom, R₁ is ethyl, R₂ and R₃ represent propyl, and R₄, R₅, R₆, R₇ and R₈ are methyl moieties respectively.
 - III. Claims 20-21, 48 (to the extent it reads on the claim 20), drawn to a cyclic silane compound linked to another cyclic silane compound through an ethyl group. The specified groups in this compound, viz., T, U, V, X, Y and Z represent O atom, R₁, R₂ and R₆ are ethyl, R₄, R₅, R₇ and R₈ are methyl, R₃ and R₆ are propyl moieties respectively.
 - IV. Claims 22-23, 48 (to the extent it reads on the claim 22), drawn to a cyclic silane compound linked to another cyclic silane compound through an ethyl group. The specified groups in this compound, viz., T, U, W, X, Y

and Z represent O atom, R₁, R₃, R₄, R₅, R₆, R₇ and R₈ are ethyl, R₂ and R₁₁ are propyl, R₉ and R₁₀ are methyl moieties respectively.

- V. Claims 24-25, 48 (to the extent it reads on the claim 24), drawn to a cyclic silane compound linked to another cyclic silane compound. The specified groups in this compound, viz., T, W, X and Y represent O atom, R₆ and R₇ are methyl, R₁ and R₅ are propyl, R₂, R₃, R₄ and R₈ are ethyl moieties respectively.
- VI. Claims 26-27, 48 (to the extent it reads on the claim 26), drawn to a cyclic silane compound, which has three Si atoms in it. The specified groups in this compound, viz., A, B, T, U, V, X, Y and Z represent O atom, R₄, R₁₁ and R₁₅ are propyl, R₁, R₂, R₃, R₅, R₆, R₇, R₈, R₉, R₁₀, R₁₂, R₁₃ and R₁₄ are ethyl moieties respectively.
- VII. Claims 28-29, 48 (to the extent it reads on the claim 28), drawn to a cyclic silane compound, which has two Si atoms in it. The specified groups in this compound, viz., T, U, W, X, Y and Z represent O atom, R₁, R₂ and R₃ are propyl, R₄, R₅, R₆, R₇, R₈ and R₉ are ethyl moieties respectively.
- VIII. Claims 30-31, 48 (to the extent it reads on the claim 30), drawn to a cyclic silane compound attached to a linear silane compound. The specified groups in this compound, viz., T, U, W, X, Y and Z represent O atom, R₁, R₂ and R₃ are propyl, R₄, R₅, R₆, R₇, R₈ and R₉ are ethyl moieties respectively.
- IX. Claims 32-33, 48 (to the extent it reads on the claim 32), drawn to a cyclic

silane compound attached to a linear silane compound. The specified groups in this compound, viz., T, U, W, X, Y and Z represent O atom, R₂ and R₃ are propyl, R₁, R₈ and R₉ are methyl, R₄, R₅, R₆, and R₇ are ethyl moieties respectively.

- X. Claims 34-35, 48 (to the extent it reads on the claim 34), drawn to a cyclic silane compound fused with another cyclic silane compound. The specified groups in this compound, viz., T, U, W, X, Y and Z represent O atom, R₂ and R₃ are propyl, R₁, R₈ and R₉ are methyl, R₄, R₅, R₆, and R₇ are ethyl moieties respectively.
- XI. Claims 36-37, 48 (to the extent it reads on the claim 36), drawn to a polymer (5 to 10,000 units) of cyclic silane compound. The specified group in this compound, viz., R1 is either methyl or ethyl.
- XII. Claims 38-39, 48 (to the extent it reads on the claim 38), drawn to a cyclic silane compound attached to a linear silane compound. An amide group is present in cyclic silane compound. The specified groups in this compound, viz., T, U, V, X, Y and Z represent O atom, R₃, R₄, R₅ and R₆ are methyl, R₁ and R₂ are propyl, R₇, R₈ and R₉ are ethyl moieties respectively.
- XIII. Claims 40-41, 48 (to the extent it reads on the claim 40), drawn to a cyclic silane compound linked to another cyclic silane compound through an ethyl group. Each cyclic silane compound has an amide group in it. The specified groups in this compound, viz., T, U, V, X, Y and Z represent O

atom, R₁, R₄, R₅, R₆, R₇ and R₈ are ethyl, R₃ and R₉ are propyl, R₂ and R₁₀ are methyl moieties respectively.

- XIV. Claims 42-43, 48 (to the extent it reads on the claim 42), drawn to a polymer (5 to 10,000 units) of single cyclic silane compound. There are two amide groups in each unit. The specified groups in this compound, viz., W, X, Y and Z represent either O or OH, R₄ is propyl and R₁, R₂, R₃, R₅, R₆ and R₇ are ethyl moieties respectively.
- XV. Claims 44-45, 48 (to the extent it reads on the claim 44), drawn to a polymer (5 to 10,000 units) of single cyclic silane compound. The specified groups in this compound, viz., W, X, Y and Z represent either O or OH, R₄ is propyl and R₁, R₂, R₃, R₅, R₆ and R₇ are ethyl moieties respectively.
- XVI. Claims 46-47, 48 (to the extent it reads on the claim 46), drawn to a polymer (5 to 10,000 units) of single cyclic silane compound. There are two amide groups in each unit. The specified groups in this compound, viz., W, X, Y and Z represent either O or OH, R₁ is propyl and R₁, R₂, R₃ and R₅ are ethyl moieties respectively.

2. The above Groups have been classified under class 556 and subclasses 406, 407 and 465.

3. Inventions in the above groups I-XVI are directed to related compounds. The related inventions are distinct if the inventions as claimed do not overlap in scope, i.e., are mutually exclusive; the inventions as claimed are not obvious variants; and the inventions as claimed are either not capable of use together or can have a materially

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different design, mode of operation, function, or effect. See MPEP § 806.05(j). In the instant case, the inventions as claimed do not overlap in scope and are directed to patentably distinct compounds. Prior art anticipating and/or rendering obvious one invention would not necessarily anticipate and/or render obvious the other groups.

4. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. Claims 1-8, 10-17, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44 and 46 are generic to the following disclosed patentably distinct species. See for example claims 9, 18, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45 and 47. The species are independent or distinct because prior art anticipating and/or rendering obvious one species would not necessarily anticipate and/or render obvious the other groups.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after

the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

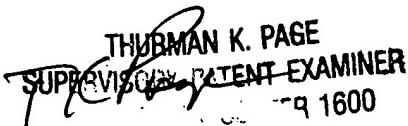
8. In view of the complex nature of the restriction requirements, a telephone call to applicant's agent to request an oral election was not made. See MPEP § 812.01.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sudhakar Katakam whose telephone number is 571-272-9929. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK


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